



Digital Markets, Competition and Consumers Act 2024

2024 CHAPTER 13

PART 1

DIGITAL MARKETS

CHAPTER 8

ADMINISTRATION ETC

Miscellaneous

110 Power to charge levy

- (1) The CMA may require an undertaking to pay it a levy in respect of a chargeable year during the whole or part of which the undertaking is a designated undertaking.
- (2) The amount of the levy is to be calculated in accordance with rules made for the purposes of [this section](#) by the CMA (“the levy rules”).
- (3) The CMA may amend or replace the levy rules.
- (4) The levy rules must—
 - (a) secure that the aggregate amount payable in respect of a chargeable year is not to exceed the costs which the CMA incurs in exercising its digital markets functions during that year;
 - (b) make provision about how the aggregate amount payable in respect of a chargeable year is to be divided between the undertakings which are designated undertakings for the whole or part of that year;
 - (c) secure that where an undertaking is a designated undertaking for only part of a chargeable year, the amount of the levy payable by that undertaking in respect of that chargeable year is proportionately reduced;

Status: This is the original version (as it was originally enacted).

- (d) set out how the CMA is to estimate the costs which it expects to incur in exercising its digital markets functions during a chargeable year;
 - (e) set out how the CMA is to calculate the costs which it actually incurs in exercising its digital markets functions during a chargeable year;
 - (f) make provision about the repayment or crediting of any amounts of levy paid in respect of a chargeable year on the basis of the CMA's estimate of the costs it would incur in exercising its digital markets functions during that year where the CMA's estimated costs exceed the CMA's actual costs of exercising those functions during that year;
 - (g) secure that any repayment or crediting in respect of a chargeable year in accordance with provision made under [paragraph \(f\)](#), so far as relating to an undertaking, is in proportion to the amount paid by that undertaking in respect of that year;
 - (h) make provision about the charging of amounts of levy in respect of a chargeable year where the CMA's actual costs of exercising its digital markets functions during that year exceed the costs which the CMA estimated it would incur;
 - (i) secure that, where an undertaking is required to pay an amount of levy in respect of a chargeable year in accordance with provision made under [paragraph \(h\)](#), the amount which the undertaking is required to pay is in proportion to the amount already paid by the undertaking in respect of that year;
 - (j) make provision about the administration and payment of the levy.
- (5) The levy rules may make provision for interest to be charged, at the rate specified for the time being in section 17 of the Judgments Act 1838, on any amount of levy not paid by the date on which it is due.
- (6) References in [subsection \(4\)](#) to an amount payable by an undertaking do not include interest charged in accordance with provision made under [subsection \(5\)](#).
- (7) The CMA must pay any amount that it receives in accordance with provision made under [subsection \(5\)](#) into the Consolidated Fund.
- (8) The CMA must consult such persons as it considers appropriate before making the levy rules, including any amended or replacement levy rules (see [section 113](#)).
- (9) The consultation must include a draft of the proposed levy rules.
- (10) The CMA must, at the same time as beginning consultation under [subsection \(8\)](#), arrange for the draft of the proposed levy rules to be laid before Parliament.
- (11) The CMA must publish the levy rules, including amended or replacement rules.
- (12) An amount payable by an undertaking in accordance with [this section](#) and the levy rules is recoverable as a civil debt due to the CMA.
- (13) For the purposes of [this section](#)—
- (a) a chargeable year is a period of 12 months ending with 31 March;
 - (b) the CMA's costs of exercising its digital markets functions do not include costs incurred by the CMA for the purposes of litigation.

111 Extra-territorial application

- (1) Unless otherwise stated, this Part applies in relation to persons outside the United Kingdom.
- (2) A power to give a notice to a person outside the United Kingdom by virtue of [this Part](#) is exercisable only if the person is within [subsection \(3\)](#), [\(4\)](#) or [\(5\)](#).
- (3) A person is within [this subsection](#) if the person is, or is part of—
 - (a) a designated undertaking or an undertaking to which an obligation applies by virtue of provision made in reliance on [section 17\(1\)](#) (existing obligations);
 - (b) an undertaking that is the subject of a digital markets investigation.
- (4) A person is within this subsection if the person is an individual—
 - (a) who is named as a senior manager under [section 70](#) or appointed as a nominated officer under [section 83](#), and
 - (b) on whom the CMA has imposed or is considering imposing a penalty under [section 87\(2\)](#) or [87\(3\)](#), as the case may be.
- (5) A person is within [this subsection](#) if the person—
 - (a) is a United Kingdom national,
 - (b) is an individual who is habitually resident in the United Kingdom,
 - (c) is a body incorporated under the law of any part of the United Kingdom, or
 - (d) carries on business in the United Kingdom.
- (6) Nothing in [this section](#) is to be taken to limit any other power of the CMA to give a notice to a person outside the United Kingdom.

112 Defamation

For the purposes of the law relating to defamation, absolute privilege attaches to anything done by the CMA in the exercise of any of its functions under [this Part](#).

113 Consultation and publication of documents

- (1) The CMA must comply with any duty to consult under [this Part](#) in such manner as it considers practicable, having regard in particular to—
 - (a) any need to keep information confidential, and
 - (b) the timetable for making a final decision or taking any action following the consultation.
- (2) Any consultation which the CMA carries out under [this Part](#) must include—
 - (a) reasons for the finding, decision or proposal to which the consultation relates, and
 - (b) such other information as the CMA considers necessary to allow a proper understanding of those reasons (subject to [subsection \(1\)\(b\)](#)).
- (3) The CMA must comply with any duty to publish a notice or any other document under [this Part](#) by publishing the notice or document online, having regard to any need to keep information confidential.
- (4) In order to give effect to any need to keep information confidential, the CMA may publish the notice or other document in a redacted form.

114 Guidance

- (1) The CMA must publish guidance on how it will exercise its functions under this Part.
- (2) The CMA may revise or replace guidance published under this section.
- (3) The CMA must publish any revised or replacement guidance.
- (4) Before publishing guidance (including any revised or replacement guidance) under this section, the CMA must—
 - (a) consult such persons as it considers appropriate, and
 - (b) obtain the approval of the Secretary of State.
- (5) When the CMA seeks the approval of the Secretary of State for guidance, the Secretary of State must—
 - (a) approve the guidance, or
 - (b) give reasons to the CMA for not approving it.
- (6) The Secretary of State must comply with [subsection \(5\)](#) before the end of the 30th working day after the day on which the CMA seeks the Secretary of State’s approval.

115 Protected disclosures

In the Public Interest Disclosure (Prescribed Persons) Order 2014 ([S.I. 2014/2418](#)), in the table in the Schedule, in the entry for the Competition and Markets Authority, in the right hand column, after “Kingdom” insert “, including matters relating to Part 1 of the Digital Markets, Competition and Consumers Act 2024 (digital markets)”.

116 Restriction on disclosure orders

- (1) This section applies for the purposes of—
 - (a) digital markets proceedings, or
 - (b) competition proceedings.
- (2) A court or the Tribunal must not make a disclosure order requiring the CMA to disclose or produce information where the court or the Tribunal is satisfied that another person would be reasonably able to provide the information.
- (3) A court or the Tribunal must not make a disclosure order requiring the disclosure or production of digital markets investigation information before the CMA gives notice of the closure or outcome of each investigation to which the information relates.
- (4) In this section—

“competition proceedings” has the meaning given by paragraph 2(4) of Schedule 8A to the Competition Act 1998 (further provision about claims in respect of loss or damage before a court or the Tribunal);

“digital markets investigation information” means information—

 - (a) prepared by a person other than the CMA for the purpose of a digital markets investigation;
 - (b) sent by the CMA in connection with such an investigation to a person that is the subject of the investigation;

“digital markets proceedings” means proceedings under [section 101](#) (rights to enforce requirements of [Part 1](#)) or proceedings on appeal from such proceedings.

- (5) Paragraphs 7 and 27 of Schedule 8A to the Competition Act 1998 (other definitions; disclosure orders) apply for the purposes of this section as they apply for the purposes of Part 6 of that Schedule.
- (6) In Schedule 8A to the Competition Act 1998—
- (a) in paragraph 7 (other definitions), after sub-paragraph (2) insert—
 - “(2A) “Digital markets proceedings” means proceedings under [section 101](#) of the Digital Markets, Competition and Consumer Act 2024 (rights to enforce requirements of [Part 1](#)).”;
 - (b) in paragraph 28, after “competition proceedings” insert “or digital markets proceedings”;
 - (c) in paragraph 29, after “competition proceedings” insert “or digital markets proceedings”;
 - (d) in paragraph 30(1), after “competition proceedings” insert “or digital markets proceedings”.